IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.:   7,542,834 B2; Issued June 2, 2009

Application No.:   10/540,135

Filing Date: June 21, 2005

Applicant: Kunio Nobori, et al.

Group Art Unit: 3661

Examiner: Cuong H. Nguyen

Title: Mobile Unit Motion Calculating Method, Apparatus and Navigation System

Attorney Docket: 5077-000244/NP

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION UNDER RULE 1.705

Pursuant to the ruling in *Wyeth v. Dudas* (DC Sept. 2008), Applicant hereby petitions under Rule 1.705 for a corrected Patent Term Adjustment of an additional 344 days since the present Patent did not issue within 36 months of the filing date, namely, by June 21, 2008. The 2 days attributable to Applicant's delay have been subtracted from the computation.

In addition to the 344 days sought under *Wyeth*, Applicant further petitions for a corrected Patent Term Adjustment of an additional 49 days since 49 days were mistakenly counted as Applicant delay upon Applicant's filing of an Amendment on January 23, 2009. Applicant's Amendment was filed in response to a revised Office

Action mailed on October 23, 2009 restarting the period for response to the previous Office Action. The revised Office Action was issued due to a deficiency in the previous Office Action (mailed September 5, 2008) which should not cost Applicant days under the Patent Term Adjustment calculation.
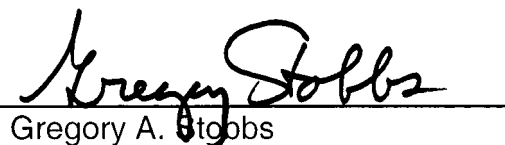
Therefore, adding the 344 days earned by the holding in *Wyeth* and the 49 days incorrectly reduced for the response to the revised Office Action, Applicant petitions for a corrected Patent Term Adjustment totaling an additional 393 days. The corrected Patent Term Adjustment should now equal 926 days.

The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 08-0750.

Respectfully submitted,

Dated: <u>July 29, 2009</u>   By: _____

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